

Serial No. 10/784,549

RECEIVED
CENTRAL FAX CENTER

JUL 14 2008

STATUS OF CLAIMS

Claims 48-69 are pending in this application. Claims 48 and 66 are the independent claims.

In order to resolve any potential ambiguity, claim 1 has been amended herein to more clearly point out that the workpiece traverses an aperture through the conical mirror.

REMARKS

Claims 48-69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shapovalov et al. (U.S. Patent No. 6,563,080) in view of Freedenburg et al. (U.S. Patent No. 5,620,618) and Weerasinghe et al., GB 2244851. These rejections are hereby traversed for the following reasons.

In accordance with the present invention, a method is provided for manufacturing a medical device from a workpiece. The method begins by generating a beam of radiation from a radiation source. The radiation beam is directed onto the workpiece by scanning the radiation beam so that a prescribed pattern is cut in the workpiece. A conical mirror is positioned along an optical path between the radiation source and the workpiece. The conical mirror has an apex with an aperture therethrough that is traversed workpiece along its longitudinal axis.

As the Examiner recognizes, neither Shapovalov et al. nor Freedenburg et al. show a conical mirror in the optical path, nor a conical mirror having an apex with an aperture therethrough that is traversed by the workpiece. The Examiner asserts that these claimed features are shown in Weerasinghe et al.

Regarding the Weerasinghe et al. reference, the Final Office Action states that "The examiner agrees with the applicant that the conical mirror of Weerasinghe et al. is incorporated in the laser generator, however it is also true from figures 1 and 2 that said conical mirror is positioned in front of the laser source, hence ... the relative position of the conical mirror would necessarily be between the radiation source and the material or workpiece being processed." (page 6 of the Final Office Action). The applicant agrees with this statement. However, the examiner fails to take note of an additional claimed feature relating to the conical mirror, namely, that the conical mirror has *an apex with an*

Serial No. 10/784,549

aperture therethrough that is traversed by the workpiece along its longitudinal axis. (As noted above, claim 1 has been amended to emphasize this claimed feature). Clearly, even if as the examiner asserts the conical mirror in Weerasinghe et al. is located in front of the laser source, the workpiece still does not traverse an aperture through the mirror.

It is axiomatic that all elements of the claim must be found in the prior art. The examiner has not pointed to anything in Weerasinghe et al. or any of the remaining cited references that show or suggest, alone or in combination, an arrangement in which the workpiece traverses an aperture through a conical mirror. Accordingly, since neither Weerasinghe et al., nor any of the other references cited by the Examiner, show or suggest a *conical mirror having an apex with an aperture therethrough that is traversed by a longitudinal axis of the workpiece*, as set forth in claim 1 of the present application, claim 1 and the claims that depend therefrom are believed to be patentable over the cited references.

Applicant acknowledges the examiner's reasoning that the function performed by the conical mirror is not set forth in claim 1 and that therefore such arguments are not germane to patentability. However, applicant is not relying on the function of the mirror in asserting the patentability of claim 1. Rather, as noted above, applicant is relying on an express limitation of the claim. Accordingly, for at least this reason claim 1 and the claims that depend therefrom are believed to be patentable over the cited references.

In regard to independent claim 66, the examiner has not addressed the portion of the following claimed step set forth in bold: ***redirecting the radiation beam so that it is scanned about a circumference of the tubular workpiece without rotation of the tubular workpiece.*** That is, the examiner has failed to demonstrate how the proposed arrangement formed from the combination of Shapovalov et al., Freedenburg et al. and Weerasinghe et al. can result in the beam being scanned about the circumference of the workpiece without the need to rotate the workpiece. Accordingly, for at least this reason, claim 66 of the present application and the claims that depend therefrom are believed to be patentable over the cited references.

RECEIVED
CENTRAL FAX CENTER

JUL 14 2008

Serial No. 10/784,549

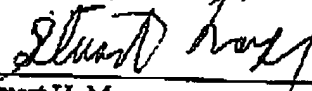
Conclusion

In view of the foregoing, it is believed that the application is now in condition for allowance, and early passage of this case to issue is respectfully requested. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

Fees

Any fees that may be due as a result of this Amendment may be charged to the undersigned attorney's PTO Deposit Account number 50-1047.

Respectfully submitted,



Stuart H. Mayer

Registration No. 35,277

Attorney for Applicants
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
(908) 518-7700 Tel.
(908) 518-7795 Fax